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September 28, 2022

By ECF

Honorable Analisa Torres
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007-1312

Re: *United States v. Mario Powell*, 18 Cr. 287 (AT)

Dear Judge Torres:

I write with regard to the competency submission due on Friday, September 30, 2022, based upon on the report of Mr. Powell's competency evaluation. As we had previously informed the Court, I have been unable to visit with Mr. Powell as he remained detained at the Springfield facility. I was informed by the Government yesterday that Mr. Powell was in transit and should be arriving in the Southern District of New York today.

I was at the MDC in Brooklyn this morning and was informed that any incoming inmate would be in quarantine for up to ten days upon arrival. As I have yet to consult with Mr. Powell on this issue, I would respectfully request that the Court permit our submission to be filed on October 14, 2022, and that the motion schedule previously set by the Court (D.E. 96) be extended by two weeks to include the date for Motions *in limine*. I have conferred with the Government and the Government consents to this request.

We further consent to the exclusion of time for speedy trial purposes as the requested time is necessary for the undersigned to confer with Mr. Powell concerning his competency evaluation to prepare our submission. We request that the schedule be amended as follows:

GRANTED. By **October 14, 2022**, the parties shall file their competency submissions. By **November 11, 2022**, the parties shall file their motions *in limine* and joint proposed voir dire questions, requests to charge, and verdict forms. By **November 23, 2022**, the parties shall file their oppositions to any motions *in limine*. The competency hearing scheduled for October 11, 2022, is ADJOURNED to **November 2, 2022**, at **1:00 p.m.** Time until **January 23, 2023**, is excluded under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7), because the ends of justice served by excluding such time outweigh the interests of the public and Defendant in a speedy trial in that this will allow time for the parties to prepare their pretrial submissions.

SO ORDERED.

Dated: September 29, 2022
New York, New York


ANALISA TORRES
United States District Judge